

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SERTA SIMMONS BEDDING, LLC and  
DREAMWELL, LTD.,

Plaintiffs,

v.

CASPER SLEEP INC.,

Defendant.

Civil Action No. 17-cv-7468

**DEFENDANT CASPER SLEEP INC.'S NOTICE OF MOTION FOR LEAVE TO  
FILE A SUR-REPLY IN OPPOSITION TO PLAINTIFFS' MOTION FOR  
RECONSIDERATION**

PLEASE TAKE NOTICE that Defendant Casper Sleep Inc. ("Casper"), by and through its undersigned counsel, respectfully moves for permission to file a sur-reply in opposition to Plaintiffs' motion for reconsideration. A sur-reply is necessary to correct gross misstatements of law and fact contained in Plaintiffs' reply in support of their motion for reconsideration. This motion is based on Casper's memorandum of law submitted in connection with this motion, the documents and court filings referenced therein, as well as such other and further evidence or argument as may be properly presented to the Court. This motion is brought under the Court's inherent authority.

Respectfully submitted,

Dated: March 22, 2018

/s/Katherine Q. Dominguez

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*Attorneys for Defendant Casper Sleep Inc.*

**CERTIFICATE OF SERVICE**

I certify that the foregoing document was electronically filed with the Clerk of the Court on March 22, 2018, via the Court's CM/ECF system and has been served on all counsel of record who have consented to electronic service.

Dated: March 22, 2018

/s/Katherine Q. Dominguez

Katherine Q. Dominguez